



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,400	12/30/2003	Frederick Schuessler	40116/03201	7568

30636 7590 05/20/2005

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK, NY 10038

EXAMINER

BROOKS, MATTHEW L

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/748,400	Applicant(s) SCHUESSLER, FREDERICK	
	Examiner Matthew L. Brooks	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because Applicant states "Determination is made whether the destination data is in a machine language." And Examiner notes that the term given emphasis does not make sense as used. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: Page 2 [0004] "The tracking data is recorded the computer database...".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. **Claims 10 and 19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. With respect to **Claim 10**, "recipient identifier" is indefinite and not defined with in the specification. However for purposes of examination Examiner determined the meaning to be either a code used to identify the recipient and/or merely the recipient's name.
5. With respect to **Claim 19**, "... include a further code identifying each of a plurality of recipient names which have the same recipient address code." Has been interpreted by Examiner to mean that a package may be delivered to a different person at the same address. No other special meaning is included with in the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-24** are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 6,394,354 (Knowles).

8. With respect to **Claim 1**: Knowles discloses

A method for providing a user with a personalized shipment system, comprising:

registering a user by obtaining user data (Column 26, lines 60-65 wherein the user is the “shipper” and the shipper is given a unique Shipper Identification Number which Examiner considers to be the same as registering);

associating the user data with a unique user identifier (Column 26, lines 60-65 wherein Examiner interprets the Shipper Identification Number to be equivalent to a “unique user identifier”);

generating label data for each of a plurality of labels (Column 26, lines 25-29),

each label including a unique label identifier a machine language (Column 26, lines 25-29);

associating the label identifier with the user identifier in computer database (Column 26, lines 16-20 and also Column 26, 55-68);

Art Unit: 3629

receiving an item to be shipped including one of the labels and recipient data including a destination data of the item (Column 26, lines 25-30);

determining whether the destination data is in a machine language (Column 26, 25-30 wherein Knowles discloses creating a label in machine language, inherently at this step Knowles must make a determination whether or not the information is in a computer language);

translating, when the destination data is not in a machine language, the destination data into machine language destination data (Column 26, 25-30);

obtaining the unique label identifier and the machine language destination data from the item using a machine capable of reading the machine language during the shipment of the item (Column 26, 53-67 wherein Examiner considers Knowles's "unique number assigned to each package", line 61 to be equivalent to "unique label identifier" and "destination data" to be equivalent to "Destination Information Field" line 65);

recording in the computer database tracking data based on the machine language unique label identifier and the machine language data (Column 26, 55-60); and

providing the tracking data regarding shipment progress the item response a request referencing at least one of the user identifier and the destination data (Column 27, 50-62).

9. With respect to **Claim 2**: Knowles discloses

wherein the machine language unique label identifier and the machine language destination data are stored on the item in form one of a barcode and an RFID tag (Column 26, line 26 and Fig 11B).

10. With respect to **Claim 3**: Knowles discloses

generating, using the label data, the plurality of labels by at least one of the user, postal delivery service and a predetermined third party provider (Column 26, 25-28).

11. With respect to **Claim 4**: Knowles discloses

wherein the tracking data includes time data and location data corresponding to the scanning (Figure 11B, 55L).

12. With respect to **Claim 5**: Knowles discloses

wherein the label data is stored in at least one of a barcode and an RFID tag (Column 26, line 26 and Fig 11B).

13. With respect to **Claim 6**: Knowles discloses

wherein the machine language destination data includes at least one recipient name and a recipient address code (Column 26, 25-29).

14. With respect to **Claim 7**: Knowles discloses

wherein the machine language destination data includes a further code identifying each of a plurality of recipient names which have the same recipient address code (Column 26, 25-29).

15. With respect to **Claim 8**: Knowles discloses

wherein the label data includes optional additional data generated by the user (Column 27, 1-12 which discloses Delivery Instructions Field which is

Art Unit: 3629

equivalent to optional additional data according to Applicant's specification Page 5 [0010] and Column 27, 20-30 wherein Knowles discloses explicitly an Other Information Field).

16. With respect to **Claim 9**: Knowles discloses

wherein the label data, the destination data and postage data are stored on the label as a two-dimensional barcode (Fig 13, 57 and Column 26, 25-29).

17. With respect to **Claim 10**: Knowles discloses

associating by the user the recipient address code with a predetermined recipient identifier (Fig 11B 55E and 55D, wherein Examiner considers the "Destination Identification Field" to be equivalent to the recipient identifier).

18. With respect to **Claim 11**: Knowles discloses

wherein the tracking data includes the optional additional data (Column 27, 1-12 which discloses Delivery Instructions Field which is equivalent to optional additional data according to Applicant's specification Page 5 [0010] and Column 27, 20-30 wherein Knowles discloses explicitly an Other Information Field and FIG 11B 55G).

19. With respect to **Claim 12**: Knowles discloses

wherein the tracking data includes an arrival date indicative of one an actual date and an estimated date of arrival of the item at the destination (See FIG 11B and Column 27, 12-13 wherein Knowles discloses disclosing the "expected date of deliver" which is the equivalent of the estimated date of arrival).

20. With respect to **Claim 13**: Knowles discloses

A system for providing a user with a personalized shipment system for shipment of an item, comprising:

a first computing arrangement generating label data for each plurality of labels, each label including a unique label identifier in a machine language (Figs 8 and 9 and Column 26, 12-32);

a second computing arrangement including a database and storing user data in the database, the second computing arrangement associating the user data with a unique user identifier and associating the unique label identifier with the user identifier in the database (Figs 8 and 9 and Column 26, 12-32);

a first shipment processing arrangement receiving an item to be shipped (inherently Knowles must receive an item to be shipped), the item including one of the labels and recipient data including destination data of the item (Column 26, 25-29), the first shipment processing arrangement determining whether the destination data is in a machine language and, when the destination data is not in a machine language, the first shipment processing arrangement translates the destination data into the machine language destination data and marks the item with the machine language destination data (Column 26, 25-29);

a second shipment processing arrangement obtaining the machine language unique label identifier and the machine language destination data from the item during the shipment (Column 28, 34-43), the second shipment processing arrangement recording in the database tracking data based on the association of the label identifier and the destination data (Column 28, 45-50),

Art Unit: 3629

wherein the tracking data is provided by the second computing arrangement in response to a request referencing at least one of the user identifier and the destination data (Column 29, 44-51).

21. With respect to **Claim 14**: Knowles discloses

wherein the machine language unique label identifier and the machine language destination data are stored on the item in one of a barcode and an RFID tag, and wherein the first shipment processing arrangement includes at least one of a barcode reader, a barcode writer, an RFID tag reader and an RFID tag writer (Figs 9, 10, 11, 13 and 14 and Column 26, 25-29).

22. With respect to **Claim 15**: Knowles discloses

a printing arrangement generating the plurality of labels by at least one of the user, a postal delivery service and a predetermined third party provider using the label data (Fig 9, 35 and Column 26, 25-29).

23. With respect to **Claim 16**: Knowles discloses

wherein the printing arrangement includes at least one of a barcode writer and an RFID tag writer (Fig 9, 35 and 37 and Column 26, 25-29).

24. With respect to **Claim 17**: Knowles discloses

wherein the tracking data includes time and location data corresponding to receipt of the item by the second shipment processing arrangement (Fig 11B, 55M-J and Fig 14, A-C).

25. With respect to **Claim 18**: Knowles discloses

wherein the machine language recipient data includes at least one recipient name and a recipient address code (Column 26, 25-29).

26. With respect to **Claim 19**: Knowles discloses

wherein the machine language destination data includes a further code identifying each of a plurality of recipient names which have the same recipient address code (Figure 11B and Column 26, 65-67 wherein Knowles discloses a destination information field which is certainly capable of having a plurality of names which have the same recipient address code).

27. With respect to **Claim 20**: Knowles discloses

wherein the label data includes optional additional data generated by the user (Column 27, 1-12 which discloses Delivery Instructions Field which is equivalent to optional additional data according to Applicant's specification Page 5 [0010] and Column 27, 20-30 wherein Knowles discloses explicitly an Other Information Field).

28. With respect to **Claim 21**: Knowles discloses

wherein the label data, the machine language recipient data and postage data are stored on the label as a two-dimensional barcode (Fig 13, 57 and Column 26, 25-29).

29. With respect to **Claim 22**: Knowles discloses

wherein the user associates the recipient address with a recipient identifier (Column 26, 25-29).

30. With respect to **Claim 23**: Knowles discloses

wherein the machine language recipient data includes a further code indicative of each of a plurality of recipients located at the destination (Figure 11B, 55D and Column 26, 65-67 wherein Knowles discloses a destination

Art Unit: 3629

information field which the system is certainly capable of having a further code indicative of a plurality of recipients located at the destination because it also has a separate Zip Code field).

31. With respect to **Claim 24**: Knowles discloses

wherein the tracking data includes an arrival date indicative one of an actual date and an estimated date of arrival of the item at the destination (See FIG 11B and Column 27, 12-13 wherein Knowles discloses disclosing the "expected date of deliver" which is the equivalent of the estimated date of arrival).

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent Number 6,600,418 which uses RFID and barcodes for object tracking.

Patent Numbers 6,862,577; 6,772,130; 4,839,813; 5,313,051; 6,047,264; 6,321,992.

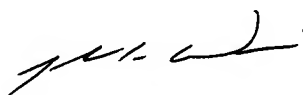
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLB



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600